

# BUSINESS LAW NEWS

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## ROLAND E. BRANDEL RECEIVES BUSINESS LAW SECTION'S LIFETIME ACHIEVEMENT AWARD

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The Business Law Section awarded its Lifetime Achievement Award for 2006 to Roland E. Brandel at the Annual Meeting of the State Bar of California in Monterey. The award is given each year to a member of the State Bar who has made significant contributions to the Section or to business law generally in the State of California over an extended period and who has achieved high status in the legal community.<sup>2</sup>

Roland Eric Brandel is active primarily in the field of consumer financial services and financial institution regulation. In addition to regularly advising clients in this field, he has been directly involved in many federal legislative and regulatory efforts affecting the field in the past 30 years. He has had primary responsibility for joint efforts in the financial services industry in development of products such as bankcards, electronic fund transfer systems, and other innovative lending and value transfer services.<sup>3</sup>

Impressive? Absolutely. But you could have found that out by simply reading his attorney biography on his law firm's Web site. Let's delve more deeply into how he became what he is today.

### Early Life

Roland Brandel was born in Chicago in 1938. He was the eldest of three sons and was raised by his Swedish father and Croatian mother in a working class inner-city neighborhood. Roland attended public grammar and high school on the south side of Chicago, skipping two grades in grammar school and graduating from high school at age 16. According to Roland, he did well (but not great) in high school and held down part-time jobs throughout.

Following high school, he found it very difficult to get a job, due to his youth, or a scholarship. He finally became an office boy for the Illinois Central Railroad. The job provided him with some money, but he was extremely bored and became highly motivated to go to college just to escape the tedium of such jobs.

### The Transformational Years

The next phase of Roland's life was truly transformational for

him. It was shaped by the influence of three institutions: the U.S. Navy, the University of Chicago Law School, and the law firm of Morrison & Foerster.

### - U.S. Navy

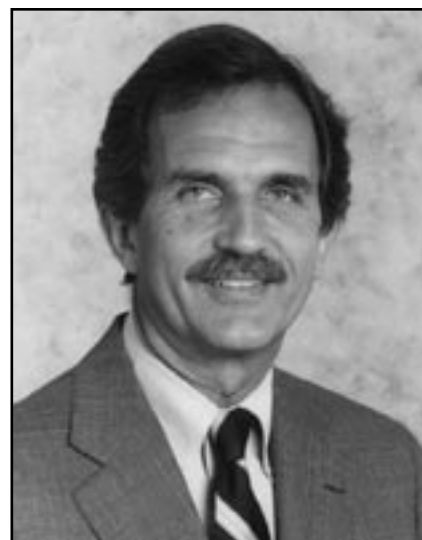
In response to his quest for more schooling, the U.S. Navy awarded Roland a full scholarship to the Illinois Institute of Tech-

nology in Chicago, where he earned a B.S. in Economics in 1960. Again, he claims that he did well but was not an outstanding scholar. During college, he worked part-time at the Museum of Science and Industry and trained each summer on a U.S. Navy ship or in aviation or amphibious landing facilities run by the Marine Corp or the Navy.

His scholarship required that he perform three years of active duty in the U.S. Navy after graduation. During this time, Roland served on aircraft carriers around the world, whetting his appetite for global travel. But perhaps most importantly for his future career, he attended the School of Naval Justice in Newport, Rhode Island. He loved it and graduated first in his class. It was this experience that first planted the seed of the idea that he might someday consider law as a career.

In 1960, Roland was assigned as the first Legal Officer of a new aircraft carrier that housed over 3,000 officers and sailors—quite an accomplishment for a 22-year old from the south side with no true legal training.

The U.S. Navy was a tremendously broadening experience for Roland. It provided him with an undergraduate education, exposure to the world and its different cultures, leadership skills, confi-



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dence, and an introduction to the law. It truly opened up a whole new world of opportunities for him.

#### - University of Chicago Law School

Roland's next "port of call" was the prestigious University of Chicago Law School. Although he was somewhat surprised to be admitted there, he *loved* law school and did very well academically (yes, even Roland admits that), serving as Associate Editor of the Law Review and graduating *cum laude* in 1966. Later in life, he continued his relationship with the school by serving as President of the University of Chicago Law School Bay Area Alumni Association for 20 years. And he never forgot that the University of Chicago Law School asked more of its students than simply doing well in school and landing a good job after graduation—the law school encouraged and expected its students to change the world in some meaningful way.

#### - The California Connection

Having excelled in law school, Roland was chosen as a law clerk to Chief Justice Roger Traynor of the California Supreme Court from 1966 to 1967. Roland remembers the jurist as a "wonderful man" who gave him a ride to and from work and powerful insights into his judicial philosophy every day of his clerkship. Chief Justice Traynor's style was to let his clerks do the first draft of opinions in cases (with inevitable corrections to follow). The clerkship experience gave Roland a broader perspective of the law—and he liked what he saw.

Roland initially came to California for the clerkship and to permit his then wife (who left college at the end of her junior year) to finish her schooling, never really expecting to stay here. But he realized that he was hooked one day as he sat outside on his porch in November wearing shorts. At that point, he called his mother on a cold, gray Chicago day to let her know that he wouldn't be coming back to Chicago any time soon.

#### - Morrison & Foerster

Following his judicial clerkship, Roland's search for a job as a "real" lawyer led him to a law firm in San Francisco that is a highly respected institution not only in California, but around the world: Morrison & Foerster. He joined the firm, affectionately known as "MoFo," in 1967 when there were only 28 attorneys and the firm had only one office.

It should be no surprise that Roland made partner in four years, an unusually short period of time. He went on to serve as a partner for 32 years, until he requested a change in his status to "Senior Counsel" in 2004. Although that title is supposed to signal a gradual reduction in hours and an easing into retirement, Roland

confides that he is still working quite a few more hours than are expected of him. Why am I not surprised at this either?

Early in his career at MoFo, Roland was interested in international law (in particular, and understandably, the Law of the Sea) and environmental law. He even did some *pro bono* criminal appeals. According to Roland, MoFo truly had a "social conscience" and gave a "warm embrace" to almost anything that its lawyers wanted to do. For him, this translated into a magical time of exploration of different areas of the law in the company of a group of supportive, superlative lawyers.

#### Focusing His Area of Expertise

Roland began to focus on the area of the law governing consumer financial services and financial institutions while still an associate when he worked on putting together the very first rules governing credit cards. Working for firm client Western States Bankcard Association, which originated the service mark Master Charge, he drafted a "road map" and "rules of the road" for what became a credit card system involving thousands of banks and other financial institutions. This interest in consumer finance and financial institutions overtook his early leaning toward international law, and he began to focus his expertise.

While working on this project, Roland was very much involved in the law-making process. He spent lots of time in Washington, D.C. and was acknowledged as *the* expert in credit card regulations. In addition, he wrote several articles to try to influence the development of the law in this area.

A related area where Roland was a pioneer was in the law governing new payment systems. He tried in the late 1970's to encourage a rational uniform law for all payment methods. Unfortunately, the effort was ahead of its time. None of the major players, not the banks, nor the consumer groups, was willing to give up advantages they possessed under the current law for the "greater good." So the area of payment systems remained a patchwork quilt with disparate specific rules that depended on the particular payment product being used.

Eventually, though, the effort resulted in major revisions to Uniform Commercial Code Article 3 (notes, drafts, and commercial paper) and Article 4 (relationships of banks and consumers) and a new Article 4A (wire transfers and other electronic transactions). In California, the equivalent of UCC Article 4A has been codified as Article 11 of the California Commercial Code. Roland made substantial contributions to each of these, primarily through his work with the National Conference of Commissioners on Uniform State Laws ("NCCUSL").

Over a period of many years (1982-93), Roland was a major player in the development of Articles 3, 4 and 4A, reviewing and commenting on countless drafts and attending meetings of bar association committees and NCCUSL drafting committees all over the United States. He chaired the Ad Hoc Committee on Payment Systems of the Business Law Section of the American Bar Association (“ABA”) from 1983 to 1988, served as the ABA Advisor to NCCUSL on new Article 4A and amendments to Articles 3 and 4 and was the ABA Advisor to NCCUSL on the New Payment Code.

### Writing with a Purpose

In addition to practicing law, Roland has authored (or co-authored) a number of books, including *The Law of Electronic Fund Transfer Systems* (Revised Ed. 1996), *The Community Reinvestment Act: Policies and Compliance* (1994), *Truth in Lending Compliance Manual* (2d Ed. 1994) and *Financial Privacy Compliance Manual* (1979). He has also written or co-written over 20 articles on various subjects, including the future of the legal profession,<sup>4</sup> the creation of business courts,<sup>5</sup> an international regime for the law of the sea,<sup>6</sup> discrimination in credit granting,<sup>7</sup> electronic funds transfer and e-commerce,<sup>8</sup> credit disclosure laws,<sup>9</sup> and the role of the Federal Trade Commission (the “FTC”).

In many cases, Roland felt that something needed to be done—so he wrote an article. For example, when the FTC tried to exercise rule-making authority in a way that seemed inconsistent with an appropriate separation of powers, that is, usurping the policy formulation function of Congress, he knew that someone needed to stop them. At his initiative, he convinced a group of banks that he should write an advocacy article and later testify before Congress on the issues. He did,<sup>10</sup> and guess what? After a crescendo of voices was heard on the topic, Congress pulled the plug on the then hyper-active FTC.

### The Volunteer Spirit

So, as you can see, Roland Brandel is nationally recognized for his substantive law practice and contributions to the development of consumer financial services laws and financial institutions regulations. But he is also known to many (including this author) for his tireless and continuing contributions to the law as a profession. Throughout his career, he has worked in both leadership positions and behind the scenes to advance the profession through countless bar association and other volunteer activities.

#### - American Bar Association

In August 2006, Roland completed his second tour of duty as a member of the Council of the ABA’s Business Law Section, having previously served in that position from 1982 to 1986. In addition to

the positions mentioned above, he has been Chair of the Consumer Financial Services Committee (1978–1983), Chair of the Committee on Meetings (1998–2002), and Co-Chair of the Ad Hoc Committee on Business Courts (1994–1998). He is proud of his tenure as Chair of the Consumer Financial Services Committee, where he increased regular attendees from approximately 30 to around 100 members. He also recognized the need for the Committee to solicit varying viewpoints on the issues presented to it, so he actively sought out consumer lawyers, academics, and regulators to augment the previously homogeneous bank lawyer membership.

#### - State Bar of California

I first met Roland through our work with the Business Law Section of the State Bar of California. Rarely have I seen a person so selflessly dedicated to advancing the profession through bar association service. As an Advisor to the Executive Committee of the Business Law Section, a position he has held since 2002, he is always ready to listen, offer sage advice without being at all presumptuous, and roll up his sleeves and get the work done.

Roland served two full terms on the Executive Committee of the Business Law Section. He is a former Chair of the Section (1993–1994) and a former Chair of its Committee on Financial Institutions (1989–1990), and has served on numerous other Section committees and task forces.

#### - Bar Association of San Francisco

Roland has also been active in his local bar association, having served twice as a Director of the Bar Association of San Francisco. He has also chaired its Legal Assistants Committee, Youth Education Committee, and Special Committee on the Law of the Sea. The San Francisco Barristers Club has likewise enjoyed his service, as President (1971) and as Editor of their monthly periodical, *The Barristers’ Bailywick* (1969).

#### - Other Professional Activities

Roland has also engaged in a number of other professional activities for volunteer and community organizations. Nationally, this included serving as President of the American College of Consumer Financial Services Lawyers from 1999 to 2001. In California, he served as a member of the Managing Committee of the National Center on Financial Services of the University of California from 1983 to 1988, and as the Chair of its Legal Advisory Committee from 1985 to 1988. More recently, he has been serving as the Chair of the San Francisco Committee on Foreign Relations since 2001.

#### - Mentoring

As important as Roland’s formal volunteer service on bar

association committees is his informal service as a mentor *par excellence* to other lawyers. Mentoring is very important to him. He likes working with other people, thoroughly enjoys seeing them develop, and cherishes the relationships. He spends a lot of time mentoring in a number of different contexts: lawyers in his firm, volunteers in bar associations and other groups, and successors to positions of responsibility that Roland has held. I can tell you from personal experience that succeeding to a position that Roland has held is both daunting and comforting at the same time: you wonder how you could ever possibly do the job as well as he did, but you also know that he will lead you through the job and its responsibilities at every step of the way, providing counsel and advice when needed without being overbearing.

### Formal Recognition of a Great Lawyer

In 2000, Roland was given the California Bankers' Association Award for lifetime superior and noteworthy assistance to the banking industry. In 2004, he received the Senator William J. Proxmire Lifetime Achievement Award from the American College of Consumer Financial Services Lawyers. The Business Law Section of the State Bar of California is pleased to join in recognizing Roland Brandel with our Lifetime Achievement Award for 2006.

### Future Plans

So what's in store for Roland in the future?

As mentioned above, he has "retired" from MoFo, but he is still working many more hours than are expected of Senior Counsel. My guess is that he spends a bunch of those hours mentoring junior lawyers. He does manage to play handball twice a week and can be found on the tennis court more frequently these days. And, as you might expect from his Navy background, he has the travel bug. Roland has a long list of places around the world that he wants to visit for the first time, as well as those that he wants to return to for another visit. He loves to learn about the culture of different foreign countries, including at least a bit of the native language, before going.

My take on Roland's future is that you'll never need to look far to find him, and not just because he is so tall. He'll be mentoring lawyers, writing articles that need to be written, and volunteering for bar association duties for the foreseeable future. For nearly 40 years, he has been making major contributions to the advancement of not only the substantive law, but also the legal profession as a whole and those who support it. The University of Chicago Law School's expectations were well founded in Roland. His accomplishments—and they are many—have truly changed the world. ■

### Endnotes

<sup>1</sup> Ms. Walker, Chair of the Business Law Section's Lifetime Achievement Award Committee, is a former Chair of the Business Law Section's Executive Committee, served as a Special Advisor to the Executive Committee from 2000 to 2005, and is a member of the firm of Wilson Sonsini Goodrich & Rosati P.C. Susan Orloff, John Power and Steven Weise each contributed to this article.

<sup>2</sup> Past recipients are: Harry C. Sigman (2005); John B. Power (2004); William B. Burke (2003); Marshall L. Small (2002); George R. Richter (2001); William D. Warren (2000); R. Bradbury Clark (1998); Richard Jennings (1998); and Harold Marsh, Jr. (1997).

<sup>3</sup> Paragraph quoted from <http://www.mofo.com/attorney/individual.asp?ID=22>.

<sup>4</sup> *The Lawyering Process in the Year 2000*, 51 Cal. State B.J. 287 (1976).

<sup>5</sup> *Business Courts: Towards a More Efficient Judiciary*, 52 Bus. Lawyer 947 (May 1997).

<sup>6</sup> *Oceans: Two Thirds of the World Up for Grabs*, The Brief Case (Jan. – Feb. 1971).

<sup>7</sup> *Equal Credit Opportunities and Credit Scoring*, Banking (March 1976), p. 86.

<sup>8</sup> *Electronic Fund Transfers*, 36 Bus. Lawyer 1219 (1981).

<sup>9</sup> *The New Truth in Lending Restitution Requirements*, [1981] Cons. & Com. Cred. Serv. (Prentice Hall), ¶21,087.

<sup>10</sup> *The Federal Trade Commission & Banking: Power Without Limit* [June issue], ABA Banking Journal (1982).